

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MINUTES OF PROCEEDINGS

DATE: July 8, 2014

HONORABLE AIDA M. DELGADO-COLON, CHIEF U.S. DISTRICT JUDGE

COURTROOM DEPUTY: Sarah V. Ramón Case No. CR. 13-058-01 (ADC)

COURT REPORTER: Diane Breaz

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United States of America

ATTORNEYS:

Plaintiff

AUSA Marshal Morgan

v.

Brett Jones-Theophilous

Juan Hernández

José Gaztambide

Defendant(s)

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Pretrial Conference held over the phone.

Court notes that attorney Gaztambide was appointed as co-counsel in the case after several attempts to advise defendant of the convenience of him having legal representation. However, the defendant remains uncooperative, continues to challenge jurisdictional issues, continues with his filings for issuance of subpoenas to previous judges who presided over the case and to this presiding judge as well and has refuses to receive important Rule 404 (b) evidence that has been disclosed by the Government. Court also notes that defendant has refused to receive documents that were ordered to be provided to him by counsel.

Attorney Hernández informs that he filed at DE 183 his response in opposition to the Notice of Rule 404 (b) evidence.

Government clarifies that said evidence stems from defendants failure to register in New Mexico and in New York.

Attorney Gaztambide clarifies that the case in New Mexico is still pending and from what he has reviewed in discovery, his client did register in New York and in Arizona. He only allegedly failed to report in New Mexico.

Based on the parties' proffer, the Court is inclined to allow the government to use the 404 (b) evidence because it goes directly to the defendant's knowledge. Court will make a final determination, but at this moment is inclined to allow it.

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As to trial scheduling, Government informs that on July 22, 2014 it will commence trial before Judge García-Gregory. It will present nine (9) witnesses for his case in chief. Among those are the victims from the case in Arizona.

Upon inquiry of the Court, Government makes a proffer of the victims' testimony and the same will be to identify the defendant as the same individual who committed the offense. The reason for the Government to present this evidence is because the defendant changed his name from Keefe Trikill-Branch to Brett Jones.

Court will allow the testimony, however, it will be limited to the identification and subject of conviction.

Attorney Hernández informs they have a fingerprint expert who analyzed the fingerprint cards and will testify that all fingerprints (under the names of Brett Jones, Keefe Branch and other aliases) are from the same person.

Attorney Gaztambide informs that he and attorney Hernández went to visit the defendant at MDC-Guaynabo and he remains uncooperative, however, they are ready to proceed to trial.

Court instructs defense to make sure the defendant is aware that his cooperation is being requested in all stages in order to assist in his defense and they are to report to the Court accordingly. Defense are also to advise client that should he become disruptive during proceedings he will be removed from the courtroom and will observe trial through a monitor that will be set up at the cell block.

As requested by the defense, an additional copy of the discovery will be provided to them and Government is also to inform which legal documents, that have been filed by defendant, will be used by the Government in their case in chief.

Government informs that the plea offer of time served remains in place.

Defense notes that the defendant was brought in by the US Marshals and they will go to the cell block and advise once again of the plea offer along with their trial strategy.

Jury Trial remains set for July 15, 2014 at 9:30 a.m.

s/Sarah V. Ramón
Sarah V. Ramón, Deputy Clerk